

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

v.

ISAIAS GARCIA-HERNANDEZ,

Defendant

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Case No.: 1:06 CR 125-15

JUDGE SOLOMON OLIVER, JR.

ORDER ACCEPTING PLEA
AGREEMENT, JUDGMENT AND
REFERRAL TO U. S. PROBATION
OFFICE

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Nancy A. Vecchiarelli, regarding the change of plea hearing of Isaias Garcia-Hernandez, which was referred to the Magistrate Judge with the consent of the parties.

On May 9, 2006, the government filed a six-count indictment against Defendant Isaias Garcia-Hernandez for Conspiracy to Smuggle Aliens into and within the United States in violation of Title 8, United States Code, Section 1324; Conspiracy to Commit Mail Fraud, Wire Fraud, Document Fraud and Structuring Financial Transactions in violation of Title 18, United States Code, Section 371; Aiding and Abetting the Structuring of Money Transactions, in violation of Title 31, Section 5324 and Aiding and Abetting Money Laundering in violation of Title 18, Section 1956. On March 23, 2006, a hearing was held in which Defendant Garcia-

Hernandez entered a plea of not guilty before Magistrate Judge David S. Perelman to counts 1, 3, and 19 of the original indictment. On November 14, 2006, Magistrate Judge Nancy A. Vecchiarelli received Defendant Garcia-Hernandez's plea of guilty to counts 3 and 19 of the superseding indictment and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered. Magistrate Judge Vecchiarelli filed her R&R on November 14, 2006.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Garcia-Hernandez is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Garcia-Hernandez is adjudged guilty of Counts 3 and 19 of the superseding indictment, in violation of Title 18 Section 371 and Title 31 Section 5324(a)(3) and 5324(d)(2) and Title 18 Section 2.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE